

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by  
5 changing Section 22.51 as follows:

6 (415 ILCS 5/22.51)

7 Sec. 22.51. Clean Construction or Demolition Debris Fill  
8 Operations.

9 (a) No person shall conduct any clean construction or  
10 demolition debris fill operation in violation of this Act or  
11 any regulations or standards adopted by the Board.

12 (b) (1) (A) Beginning 30 days after the effective date of  
13 this amendatory Act of the 94th General Assembly but prior to  
14 July 1, 2008, no person shall use clean construction or  
15 demolition debris as fill material in a current or former  
16 quarry, mine, or other excavation, unless they have applied for  
17 an interim authorization from the Agency for the clean  
18 construction or demolition debris fill operation.

19 (B) The Agency shall approve an interim authorization upon  
20 its receipt of a written application for the interim  
21 authorization that is signed by the site owner and the site  
22 operator, or their duly authorized agent, and that contains the  
23 following information: (i) the location of the site where the

1 clean construction or demolition debris fill operation is  
2 taking place, (ii) the name and address of the site owner,  
3 (iii) the name and address of the site operator, ~~and~~ (iv) the  
4 types and amounts of clean construction or demolition debris  
5 being used as fill material at the site, and (v) a site  
6 reclamation plan that addresses potential hazards to public  
7 health and safety.

8 (C) The Agency may deny an interim authorization if the  
9 site owner or the site operator, or their duly authorized  
10 agent, fails to provide to the Agency the information listed in  
11 subsection (b)(1)(B) of this Section. Any denial of an interim  
12 authorization shall be subject to appeal to the Board in  
13 accordance with the procedures of Section 40 of this Act.

14 (D) No person shall use clean construction or demolition  
15 debris as fill material in a current or former quarry, mine, or  
16 other excavation for which the Agency has denied interim  
17 authorization under subsection (b)(1)(C) of this Section. The  
18 Board may stay the prohibition of this subsection (D) during  
19 the pendency of an appeal of the Agency's denial of the interim  
20 authorization brought under subsection (b)(1)(C) of this  
21 Section.

22 (2) Beginning September 1, 2006, owners and operators of  
23 clean construction or demolition debris fill operations shall,  
24 in accordance with a schedule prescribed by the Agency, submit  
25 to the Agency applications for the permits required under this  
26 Section. The Agency shall notify owners and operators in

1 writing of the due date for their permit application. The due  
2 date shall be no less than 90 days after the date of the  
3 Agency's written notification. Owners and operators who do not  
4 receive a written notification from the Agency by October 1,  
5 2007, shall submit a permit application to the Agency by  
6 January 1, 2008. The interim authorization of owners and  
7 operators who fail to submit a permit application to the Agency  
8 by the permit application's due date shall terminate on (i) the  
9 due date established by the Agency if the owner or operator  
10 received a written notification from the Agency prior to  
11 October 1, 2007, or (ii) or January 1, 2008, if the owner or  
12 operator did not receive a written notification from the Agency  
13 by October 1, 2007.

14 (3) On and after July 1, 2008, no person shall use clean  
15 construction or demolition debris as fill material in a current  
16 or former quarry, mine, or other excavation without a permit  
17 granted by the Agency for the clean construction or demolition  
18 debris fill operation or in violation of any conditions imposed  
19 by such permit, including periodic reports and full access to  
20 adequate records and the inspection of facilities, as may be  
21 necessary to assure compliance with this Act and with Board  
22 regulations and standards adopted under this Act. The Board  
23 shall amend these rules as expeditiously as possible to bring  
24 them into compliance with the requirements of this amendatory  
25 Act of the 96th General Assembly.

26 (4) This subsection (b) does not apply to:

1           (A) the use of clean construction or demolition debris  
2           as fill material in a current or former quarry, mine, or  
3           other excavation located on the site where the clean  
4           construction or demolition debris was generated;

5           (B) the use of clean construction or demolition debris  
6           as fill material in an excavation other than a current or  
7           former quarry or mine if this use complies with Illinois  
8           Department of Transportation specifications; or

9           (C) current or former quarries, mines, and other  
10          excavations that do not use clean construction or  
11          demolition debris as fill material.

12          (c) In accordance with Title VII of this Act, the Board may  
13          adopt regulations to promote the purposes of this Section. The  
14          Agency shall consult with the mining and construction  
15          industries during the development of any regulations to promote  
16          the purposes of this Section.

17               (1) No later than December 15, 2005, the Agency shall  
18               propose to the Board, and no later than September 1, 2006,  
19               the Board shall adopt, regulations for the use of clean  
20               construction or demolition debris as fill material in  
21               current and former quarries, mines, and other excavations.  
22               Such regulations shall include, but shall not be limited  
23               to, standards for clean construction or demolition debris  
24               fill operations and the submission and review of permits  
25               required under this Section.

26               (2) Until the Board adopts rules under subsection

1 (c) (1) of this Section, all persons using clean  
2 construction or demolition debris as fill material in a  
3 current or former quarry, mine, or other excavation shall:

4 (A) Assure that only clean construction or  
5 demolition debris is being used as fill material by  
6 screening each truckload of material received using a  
7 device approved by the Agency that detects volatile  
8 organic compounds. Such devices may include, but are  
9 not limited to, photo ionization detectors. All  
10 screening devices shall be operated and maintained in  
11 accordance with manufacturer's specifications.  
12 Unacceptable fill material shall be rejected from the  
13 site; and

14 (B) Retain for a minimum of 3 years the following  
15 information:

16 (i) The name of the hauler, the name of the  
17 generator, and place of origin of the debris or  
18 soil;

19 (ii) The approximate weight or volume of the  
20 debris or soil; and

21 (iii) The date the debris or soil was received.

22 (d) This Section applies only to clean construction or  
23 demolition debris that is not considered "waste" as provided in  
24 Section 3.160 of this Act.

25 (e) For purposes of a clean construction or demolition  
26 debris fill operation:

1           (1) The term "operator" means a person responsible for  
2           the operation and maintenance of a clean construction or  
3           demolition debris fill operation.

4           (2) The term "owner" means a person who has any direct  
5           or indirect interest in a clean construction or demolition  
6           debris fill operation or in land on which a person operates  
7           and maintains a clean construction or demolition debris  
8           fill operation. A "direct or indirect interest" does not  
9           include the ownership of publicly traded stock. The "owner"  
10          is the "operator" if there is no other person who is  
11          operating and maintaining a clean construction or  
12          demolition debris fill operation.

13          (Source: P.A. 94-272, eff. 7-19-05; 94-725, eff. 6-1-06.)

14          Section 99. Effective date. This Act takes effect upon  
15          becoming law.